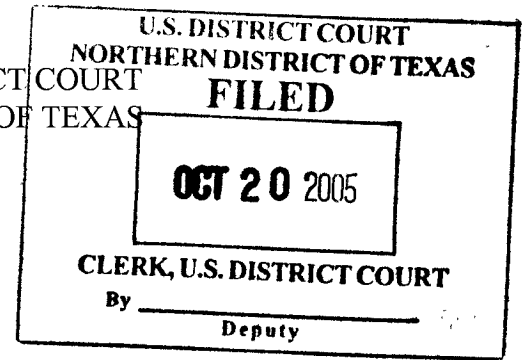


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



PATRICK DRAKE,

Petitioner,

v.

DOUGLAS DRETKE, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:05-CV-0177

**ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION,
AND DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Came this day for consideration the petition for a writ of habeas corpus filed by petitioner PATRICK DRAKE. On September 30, 2005, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's application for a writ of habeas corpus be dismissed. Petitioner filed objections to the Magistrate Judge's Report and Recommendation on October 14, 2005.

The undersigned United States District Judge has made an independent examination of the record in this case and has considered petitioner's objections to the Report and Recommendation. The District Judge is of the opinion petitioner's objections should be, and hereby are, OVERRULED. The District Judge is of the further opinion that the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, the

petition for a writ of habeas corpus filed by petitioner is DISMISSED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

IT IS SO ORDERED.

ENTERED this 19th day of October 2005.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE